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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,315	12/23/1999	Samuel N Zellner	99483	7258

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/471,315

Applicant(s)

ZELLNER ET AL. 

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 9,11,12 and 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,13-16 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-8, 10 and 27 are rejected under 35 U.S.C § 102(e) as being unpatentable by Peterson et al, U.S. Patent No. 6385303 (hereinafter Peterson).

Regarding claim 1, Peterson discloses a method of screening a caller prior to establishing a telephone connection between the caller and a callee, the method comprising:

receiving a telephone call from the caller (col. 8, lines 51-53);

prompting the caller to speak the name of the callee (col. 10, lines 12-13);

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receiving the name of the callee when spoken by the caller (col. 10, lines 14-15); and

identifying the caller by analyzing the voice of the caller when the caller speaks the name of the callee (col. 13, lines 30-37).

Regarding claim 2, see Peterson, col. 8, lines 24-30.

Regarding claim 3, see Peterson, col. 7, lines 15-30.

Regarding claim 4, see Peterson, col. 7, lines 41-45.

Regarding claim 5, see Peterson, col. 10, lines 12-13.

Regarding claim 6, see Peterson, col. 14, lines 13-20.

Regarding claim 7, see Peterson, col. 7, lines 60-66.

Regarding claim 8, see Peterson, col. 13, lines 30-37.

Regarding claim 10, see Peterson, col. 10, lines 15-20.

Regarding claim 27, Peterson discloses a method comprising identifying the callee by analyzing the voice of the caller when the caller speaks the name of the callee (col. 10, lines 16-17) and routing the telephone call to the callee so identified (col. 10, lines 20-24).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 13-16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Peterson in view of O'Brien, U.S. Patent No. 5479489 (hereinafter O'Brien).

Regarding claim 13, Peterson as applied in claim 1 does not teach a method of creating a database containing a plurality of digital text files, wherein each of the plurality of digital text files contain identification information for a different one of a plurality of callees. However O'Brien discloses a method of creating a database containing a plurality of digital text files, wherein each of the plurality of digital text files contain identification information for a different one of a plurality of callees (col. 1, lines 62-65 and col. 2, lines 1-5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson with a method of creating a database containing a plurality of digital text files, wherein each of the plurality of digital text files contains identification information for a different one of a plurality of callees as taught by O'Brien. This modification allows a caller to save database storage space

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by saving callee information as text files as opposed to voice files.

Regarding claims 14 and 15, see O'Brien, col. 2, lines 43-47 and lines 54-55.

Regarding claim 16, O'Brien discloses a method wherein identifying the caller includes:

converting the name of the callee as spoken into a test digital text file (col. 3, lines 10-14); and

individually comparing the test digital text file with the each of the plurality of digital text files in the database to identify the callee (col. 3, lines 41-43).

***Response to Amendment***

5. Applicant's arguments with respect to claims 1-8, 10, 13-16 and 27 have been considered but are deemed to be moot in view of the new grounds of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned

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are 703-872-9314 for regular communications and 703-872-9314 for  
After Final communications.

Any inquiry of a general nature or relating to the status  
of this application or proceeding should be directed to the  
receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah  
Patent Examiner  
September 27, 2002

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

